

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

JENNIFER COLE-GRICE,

Plaintiff,

v.

**FANNIE MAE, NATIONSTAR
MORTGAGE LLC d/b/a MR. COOPER and
JP MORGAN CHASE BANK, N.A.,**

Defendants.

Case No. 1:19-cv-01287-STA-jay

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION TO
FILE SURREPLY TO MOTION FOR SUMMARY JUDGMENT**

Defendants Nationstar Mortgage LLC d/b/a/ Mr. Cooper ("Nationstar") and Fannie Mae (together with Nationstar, "Defendants"), by and through counsel, hereby provide the following response in opposition to Plaintiff's Motion for Leave to File Surreply (Doc. 60). Despite Plaintiff's claims, there are no new issues or facts presented for the first time in Defendants' Reply, and thus the surreply proposed by Plaintiff (Doc. 61) is unnecessary and inappropriate. Defendants submit that Plaintiff's request should be denied.

Plaintiff's Motion for Leave to File Surreply suggests that Defendants' Reply brief sets forth "several matters for the first time" and that she has not been able to contest these (without identifying or even generally describing such new evidence or legal theories). (Doc. 60 at ¶ 4.) Plaintiff's subjective beliefs, however, are misplaced. Defendants' Reply does not present new legal arguments or evidence not proffered in its original Motion so as to warrant a surreply. *See Liberty Legal Foundation v. Nat'l Democratic Party of the USA, Inc.*, 875 F. Supp. 2d 791, 797 (W.D. Tenn. 2012) (holding that surreplies are disfavored and that a district court does not abuse its discretion in denying leave to file a surreply where a moving party does not raise any new legal

arguments introduce new evidence). Plaintiffs' Motion is nothing more than an improper request to have the last word on Defendants' Summary Judgment.

For all of these reasons, Defendants respectfully request that Plaintiff's motion for leave be denied.

Respectfully submitted,

s/ Lauren Paxton Roberts

Lauren Paxton Roberts (BPR No. 25049)

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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of December, 2021, a true and exact copy of the foregoing was electronically filed with the Clerk's office using the CM/ECF system and served via the Court's CM/ECF system and/or via e-mail upon the parties listed below. Parties may also access this filing through the Court's CM/ECF system.

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s/ Lauren Paxton Roberts

Lauren Paxton Roberts